United Nations A/66/653

General Assembly

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Sixty-sixth session
Agenda item 45
Question of the Falkland Islands (Malvinas)

Letter dated 3 January 2012 from the Chargé d'affaires a.i. of the Permanent Mission of Argentina to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit herewith the press release issued today by the Government of the Argentine Republic on the occasion of the latest anniversary of the illegitimate occupation of the Malvinas Islands by the United Kingdom of Great Britain and Northern Ireland (see annex).

I should be grateful if you would have this letter and its annex circulated as a document of the General Assembly under agenda item 45 concerning the question of the Malvinas Islands.

(*Signed*) Mateo **Estreme**
Deputy Permanent Representative
Chargé d'affaires a.i.

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Annex to the letter dated 3 January 2012 from the Chargé d'affaires a.i. of the Permanent Mission of Argentina to the United Nations addressed to the Secretary-General

On 3 January 1833, British forces occupied the Malvinas Islands, expelling their inhabitants and replacing the Argentine authorities that had been legitimately established there with subjects of the occupying Power. The Argentine Republic immediately protested that illegitimate act of force, which continues today and to which it never consented.

The Argentine Government once again reaffirms the Argentine Republic's imprescriptible rights of sovereignty over the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounding maritime areas, which are an integral part of its national territory.

The unlawful British colonial occupation, which is now in its 179th year, is aggravated by the provocative and continuous disregard for international law displayed by the United Kingdom in its persistent unwillingness to resume negotiations on sovereignty pursuant to the United Nations mandate in force, as established in General Assembly resolution 2065 (XX) and endorsed in nine subsequent resolutions. This illegitimate situation is further exacerbated by the presence of the military base established in the South Atlantic on the pretext of alleged defence requirements and by the constant conduct of unlawful unilateral activities in the disputed area. These activities contravene the relevant resolutions of the United Nations General Assembly; they include the plundering of renewable and non-renewable natural resources in the area, in violation of international law, as well as military exercises, including the firing of missiles from the Malvinas Islands.

The States of the region have unanimously rejected the British military presence in the South Atlantic and have expressed concern about the above-mentioned unilateral activities in various statements issued at the presidential summits of the States members and associate members of the Southern Common Market (MERCOSUR) and of the Union of South American Nations (UNASUR), the Community of Latin American and Caribbean States (CELAC) and the Ibero-American community of nations.

The resumption of negotiations has also been supported by other regions through forums such as the Summit of South American-Arab Countries, the Africa-South America Summit and the Group of 77 and China.

The Argentine Government once again reiterates, on the 179th anniversary of its dispossession, its continued and sincere willingness to resume the process of bilateral negotiations with the United Kingdom, as called for by the international community, in order to find a peaceful and definitive solution to the sovereignty dispute and thus put an end to this anachronistic situation, which is incompatible with developments in the current post-colonial world.

United Nations A/66/654

General Assembly

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11 January 2012

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Sixty-sixth session
Agenda item 37
Question of Palestine

Letter dated 9 January 2012 from the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People addressed to the Secretary-General

I have the honour to inform you that I received a letter, dated 9 December 2011, addressed to the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People from the Permanent Representative of Saudi Arabia to the United Nations, Mr. Abdallah Yahya Al-Mouallimi, informing me of the wish of his country to take part, as an observer, in the work of the Committee (see annex).

The Committee at its 338th meeting, held on 15 December 2011, approved the request of Saudi Arabia and welcomed that country to take part, as an observer, in the work of the Committee.

In the light of the above, I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly under agenda item 37.

Abdou Salam **Diallo**
Chairman
Committee on the Exercise of the Inalienable Rights
of the Palestinian People

12-20512 (E) 130112

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Annex

On behalf of the Kingdom of Saudi Arabia, and given the importance of the work of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, I would like to inform you of the Mission's request to join your committee as an observer member State.

(*Signed*) Abdallah Y. **Al Mouallimi**
Permanent Representative

United Nations A/66/655–S/2012/30

General Assembly
Security Council

Distr.: General
12 January 2012

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General Assembly
Sixty-sixth session
Agenda item 43
Question of Cyprus

Security Council
Sixty-seventh year

Letter dated 9 January 2012 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 6 January 2012 (see annex), addressed to you by Mr. Hilmi Akil, Representative of the Turkish Republic of Northern Cyprus.

I would be grateful if the text of the present letter could be circulated as a document of the General Assembly under agenda item 43, and of the Security Council.

(*Signed*) Ertuğrul **Apakan**
Ambassador
Permanent Representative

12-20586 (E) 160112

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Annex to the letter dated 9 January 2012 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to refer to the letter dated 5 December 2011, addressed to you by the Greek Cypriot representative and circulated as a document of the General Assembly and of the Security Council (A/66/585-S/2011/755), which yet again contains well-known allegations of violations of "international air traffic regulations and the national airspace of the Republic of Cyprus", and to bring to your kind attention the following:

In response to such false allegations, I wish, once again, to reiterate that flights within the sovereign airspace of the Turkish Republic of Northern Cyprus take place with the full knowledge and consent of the appropriate authorities of the State, over which the Greek Cypriot administration in South Cyprus has no jurisdiction or right of say whatsoever. It must be stated that claims of so-called violations of air traffic regulations are invalid, as the civil aviation authority of the Turkish Republic of Northern Cyprus is the only competent authority to provide air traffic and aeronautical information services.

As noted in our previous letters, such assertions are based on the false and illicit claim that the sovereignty of the Greek Cypriot administration extends over the whole island, including the territory of the Turkish Republic of Northern Cyprus. This pretentious contention by the Greek Cypriot side ignores the present realities on the island of Cyprus, namely, the existence of two independent States, each exercising sovereignty and jurisdiction within its respective territory.

Attempts by the Greek Cypriot side, through often-repeated false claims, to confer legitimacy upon an illegal administration will be futile since the Turkish Cypriot people will never give in to their unjust demands. What would indeed be conducive to a better atmosphere on the island would be for the Greek Cypriot side to stop arrogating for itself the rights and responsibilities it does not legally have, and to cease all hostilities towards the Turkish Cypriot people.

Furthermore, the Greek Cypriot administration should be reminded that its counterpart is, and has always been, the Turkish Cypriot side, not Turkey, and that its persistent denial of Turkish Cypriot rights in the North of the island does not bode well for the prospects of a settlement of the Cyprus conflict in line with the established United Nations parameters, namely a partnership based on a bizonal, bicommunal federation with the political equality of the two constituent States.

It is unfortunate that the Greek Cypriot side maintains its hostile stance against Turkey and the Turkish Cypriots and uses every available outlet to repeat those fabricated accusations, which further escalate the tensions and undermine the spirit of trust and partnership between the two sides, especially at a time when the United Nations-led negotiations are reaching a decisive phase in finding a comprehensive settlement on the island. If the Greek Cypriot side is ready and truly committed to a fair settlement, then it should stop using negative rhetoric and dragging its feet at the negotiation table and start reciprocating the constructive proposals and positive attitude of the Turkish Cypriot side to enable the two parties to utilize the much valued involvement of the Secretary-General in moving to a high-level international meeting and successfully concluding the decades-old search for a new partnership on the island.

I would like to put on record once again that the Turkish Cypriot side is ready and doing its best to achieve a settlement in the form of a new partnership which will be in line with the established United Nations parameters and body of work.

I should be grateful if the text of the present letter could be circulated as a document of the General Assembly, under agenda item 43, and of the Security Council.

(*Signed*) Hilmi **Akil**
Representative
Turkish Republic of Northern Cyprus

United Nations A/66/656–S/2012/27

General Assembly
Security Council

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12 January 2012

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General Assembly
Sixty-sixth session
Agenda item 109
Measures to eliminate international terrorism

Security Council
Sixty-seventh year

Identical letters dated 11 January 2012 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General, the President of the General Assembly and the President of the Security Council

On 11 January 2012, another prominent Iranian scientist, Mostafa Ahmadi Roshan, fell victim to a blind terrorist attack in Tehran. The victim was a Sharif University of Technology graduate in chemical engineering and served as deputy director of Iran's Natanz nuclear facility. In this incident two other innocent people were seriously injured, one of whom died later at the hospital as a result of his wounds.

As you are aware, this is not the first time that the Iranian scientists have come under malicious terrorist attacks. Previously, I informed you in a letter (A/65/622-S/2010/634) about the assassination attempts against two prominent Iranian physicists: Majid Shahriari and Fereydoun Abbasi Davani (currently heading Iran's Atomic Energy Organization) on 29 November 2010 as a result of which Majid Shahriari was martyred and Fereydoun Abbasi Davani and his wife were seriously injured. In the same series of terrorist attacks another Iranian scientist, Professor Massoud Ali Mohammadi, was martyred in front of his house on 12 January 2010.

Based on the existing evidence collected by the relevant Iranian security authorities, similar to previous incidents, perpetrators used the same terrorist method in assassinating Iranian nuclear scientists, i.e. attaching a sticky magnetic bomb to the car carrying the scientists and detonating it. Furthermore, there is firm evidence that certain foreign quarters are behind such assassinations. As has been claimed by these circles, such terrorist acts have been carried out as part of the efforts to disrupt Iran's peaceful nuclear programme, under the false assumption that diplomacy alone would not be enough for that purpose. These quarters have spared no efforts in depriving the Islamic Republic of Iran of its inalienable right to peaceful nuclear energy and have called for conducting covert operations ranging from assassinating Iranian nuclear scientists to launching a military strike on Iran, as well as sabotaging Iran's nuclear programme.

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Now, the question remains whether resorting to all unlawful and coercive measures, even terrorist acts, to prevent developing nations from exercising their right to development, including peaceful use of nuclear energy, is permissible.

While reiterating the peaceful nature of Iranian nuclear activities, I would like to emphasize, once again, that the Islamic Republic of Iran would not compromise over its inalienable right to use nuclear energy for peaceful purposes, and any kind of political and economic pressures or terrorist attacks targeting Iranian nuclear scientists could not prevent our nation from exercising this right.

The Islamic Republic of Iran expresses its deep concern over, and lodges its strong condemnation of, such cruel, inhumane and criminal acts of terrorism against the Iranian scientists. My country has suffered the most from acts of terrorism in terms of human losses and material damages in the past decades. It is highly expected from the Secretary-General of the United Nations and the President of the Security Council of the United Nations, as well as all other relevant organs and bodies, to condemn, in the strongest terms, these inhumane terrorist acts and to take effective steps towards elimination of terrorism in all its forms and manifestations.

It would be highly appreciated if the present letter could be circulated as a document of the General Assembly, under agenda item 109, and of the Security Council.

(*Signed*) Mohammad **Khazaee**
Ambassador
Permanent Representative

United Nations A/66/657–S/2012/33

General Assembly
Security Council

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General Assembly
Sixty-sixth session
Agenda item 34
Prevention of armed conflict

Security Council
Sixty-seventh year

Conflict-related sexual violence

Report of the Secretary-General

I. Introduction

1. The present report, which covers the period from December 2010 to November 2011, is submitted pursuant to paragraph 18 of Security Council resolution 1960 (2010), by which the Council requested me to submit a report on the implementation of that resolution, as well as resolutions 1820 (2008) and 1888 (2009). The report updates progress made in the implementation of the monitoring, analysis and reporting arrangements and the placement of women's protection advisers; provides information on parties to conflict credibly suspected of committing or being responsible for acts of rape or other forms of sexual violence; highlights major outcomes of missions and political engagements undertaken by the Special Representative of the Secretary-General on Sexual Violence in Conflict and the Team of Experts on the Rule of Law and Sexual Violence in Conflict; describes key initiatives taken by the United Nations to address conflict-related sexual violence; and outlines a series of recommendations aimed at strengthening collective efforts to combat this egregious crime.

2. The preparation of the report involved broad and extensive consultations with members of the 13-entity network called United Nations Action against Sexual Violence in Conflict, United Nations field missions and country teams, and concerned Member States and non-governmental organizations. United Nations peacekeeping and political missions, as well as country teams, were the primary sources of information for the report.

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3. Conflict-related sexual violence[1] refers to incidents or patterns (for the purposes of listing in accordance with Security Council resolution 1960 (2010)) of sexual violence, that is rape, sexual slavery, forced prostitution, forced pregnancy, enforced sterilization or any other form of sexual violence of comparable gravity against women, men or children. Such incidents or patterns occur in conflict or post-conflict settings or other situations of concern (e.g. political strife). They also have a direct or indirect nexus with the conflict or political strife itself, that is, a temporal, geographical and/or causal link. In addition to the international character of the suspected crimes (which can, depending on the circumstances, constitute war crimes, crimes against humanity, acts of genocide or other gross violations of human rights), the link with conflict may be evident in the profile and motivations of the perpetrator(s), the profile of the victim(s), the climate of impunity/State collapse, cross-border dimensions and/or the fact that they violate the terms of a ceasefire agreement.

4. The adoption of resolution 1960 (2010) ushered in a new compliance mechanism on conflict-related sexual violence. Guidance on the monitoring, analysis and reporting arrangements and on the analytical and conceptual framing of conflict-related sexual violence was prepared in collaboration with the United Nations Action network and disseminated in July 2011 to United Nations field teams in line with Policy Committee decision No. 2010/30 on sexual violence in conflict. Accordingly, the monitoring, analysis and reporting arrangements are being put in place in several settings through an approach that is flexible and based on country-specific circumstances in order to avoid duplication and fragmentation. Common information bases and methodologies for data collection for cases of conflict-related sexual violence are under discussion and continue to remain a challenge owing to the varying mandates and responsibilities of partner institutions. Given the sensitive nature of this violation, challenges also persist in collecting and verifying information. It should be noted that specific incidents cited in the present report are not intended to be indicative of the character and scope of violations. Cases of conflict-related sexual violence have, to date, been documented under broader headings such as sexual and gender-based violence. The agreement on a common definition of conflict-related sexual violence aims to address this. It is anticipated that more consistent information on conflict-related sexual violence incidents, perpetrators, trends and patterns will be achieved as the arrangements become established across all relevant situations of concern.

5. Armed conflict and its aftermath provide a specific context for sexual violence. The robust series of resolutions adopted by the Security Council over the past three years casts a new spotlight on this phenomenon and its perpetrators — predominantly men in uniform, affiliated with both State and non-State armed groups. This focus has provided strategic entry points for reaching non-traditional actors in the realm of women's security and must be sustained. In particular, security forces are mandated to protect, not prey upon, the civilian population. The uniform should symbolize security, discipline and public service, rather than rape,

[1] This is an agreed working definition used by the United Nations system, aimed primarily at standardizing reporting through the monitoring, analysis and reporting arrangements. It is intended to bring enhanced clarity to the task of collecting, classifying and analysing information so as to provide the Security Council and other global bodies with data that are comparable across field situations and over time. Such information can credibly ground a range of responses, including by the Security Council.

pillage and terror. Military personnel are responsive to training, unequivocal orders, disciplinary measures and the example set by their hierarchy. All of these should operate to prevent and deter sexual violence and other grave breaches of international humanitarian and human rights law. In particular, command responsibility must be strictly enforced when superiors fail to prevent or punish violations by their subordinates.

6. Sexual violence, and the long shadow of terror and trauma it casts, disproportionately affects women and girls. However, recent information underscores that the situation of male victims and the plight of children born as a result of wartime rape require deeper examination. The issue must be understood from all perspectives and addressed at all levels as part of a comprehensive approach to protecting civilians. In particular, the searchlight cast by the Security Council should extend to the darkest corners of detention and interrogation facilities, to ensure that abuses of power, including sexual abuse, are prevented and punished.

II. Information on progress made in the implementation of the monitoring, analysis and reporting arrangements pursuant to Security Council resolution 1960 (2010)

A. Modalities of the monitoring, reporting and analysis arrangements on conflict-related sexual violence

7. The purpose of the monitoring, analysis and reporting arrangements is to ensure the systematic gathering of timely, accurate, reliable and objective information on conflict-related sexual violence against women, men and children in all situations of concern, in line with paragraph 8 of resolution 1960 (2010). This information will be used to promote increased and timely action to prevent and respond to conflict-related sexual violence. The arrangements provide an opportunity to promote adherence to and operationalization of safe and ethical practices for collecting information on conflict-related sexual violence. The information derived from them should inform strategic advocacy, enhance prevention and programmatic responses for victims, and contribute to the development of comprehensive strategies to combat sexual violence at the country level.

8. The monitoring, analysis and reporting arrangements entail the establishment of a technical-level working group on conflict-related sexual violence, which may build on existing United Nations inter-agency mechanisms. The working group will review information, monitor and verify incidents of sexual violence, analyse data, trends and patterns, prepare reports, build capacity to strengthen the arrangements and coordinate commitments with parties to conflict. Emphasis should be placed on coordination with the monitoring and reporting mechanism under Security Council resolutions 1612 (2005) and 1882 (2009) on children and armed conflict, as well as monitoring and reporting under other mandates as appropriate. The Office of the United Nations High Commissioner for Human Rights (OHCHR), the human rights components of peacekeeping missions and other United Nations entities that have the requisite mandates, expertise and capacity, shall take the lead role in the functions of the working group related to monitoring and verification of incidents.

9. The arrangements also entail the establishment of a joint consultation forum on conflict-related sexual violence to review and discuss available aggregated and anonymized information and analysis on conflict-related sexual violence from a wide variety of sources, and make recommendations to the working group and senior United Nations leadership for advocacy and action to prevent and respond to sexual violence. In numerous country contexts there already exist arrangements to consult and coordinate on gender-based violence issues in humanitarian settings, such as the protection cluster, the gender-based violence area of responsibility/working group/subcluster and gender theme groups. Where possible and appropriate, the joint consultation forum may be convened under the auspices of such existing arrangements. The joint consultation forum may include members of the working group as well as representatives of international and local non-governmental organizations, representatives of health service providers and relevant Government representatives.

B. Women's protection advisers

10. In line with paragraph 12 of resolution 1888 (2009) and paragraph 10 of resolution 1960 (2010), the terms of reference for women's protection advisers were jointly prepared by the Department of Political Affairs, the Department of Peacekeeping Operations, OHCHR and the Office of the Special Representative on Sexual Violence in Conflict, in consultation with members of United Nations Action. The implementation of the conflict-related sexual violence mandate requires a three-pronged approach. Therefore, a women's protection adviser will be located in the Office of the Special Representative of the Secretary-General and will work in close collaboration with designated women's protection advisers located within human rights and gender components, where deployed. The roles of the respective advisers will be complementary and serve to strengthen the response of human rights, gender and other relevant components to conflict-related sexual violence.[2]

11. The Women's Protection Adviser within the Office of the Special Representative of the Secretary-General will coordinate among all relevant United Nations actors in order to strengthen the monitoring and reporting, prevention and response to conflict-related sexual violence against women, men and children. The Adviser will provide support as appropriate to United Nations actors for the implementation of the Security Council mandate on conflict-related sexual violence. Specifically, the role of the Adviser will focus on the implementation of the monitoring, analysis and reporting arrangements; coordination of actors involved in dialogue with parties to conflict; and contributing to the integration of conflict-related sexual violence considerations in United Nations policies, planning, operations and training.

12. The Women's Protection Adviser (Human Rights) will, inter alia, lead the monitoring and reporting function of the working group (see para. 8 above), coordinate the preparation of reports, undertake analysis of information to contribute to the understanding of the patterns and trends of sexual violence, and plan and coordinate multidisciplinary investigation teams.

[2] Terms of reference for women's protection advisers, September 2011.

13. The Women's Protection Adviser (Gender) will, inter alia, lead in mainstreaming, training, capacity-building and response aspects. This includes working with civilian, police and military components of missions to integrate sexual violence concerns in policy, activities, standard operating procedures, etc. The Adviser will also ensure that all mission components receive adequate training on conflict-related sexual violence, and will contribute to the development and implementation of protection plans and comprehensive strategies.

14. In developing the cadre of women's protection advisers, the United Nations system will draw in particular from human rights, gender and gender-based violence expertise. The objective is to cultivate a pool of advisers with a profile which combines gender analysis, human rights and operational security/protection expertise. The deployment or identification of women's protection advisers has been requested in a number of missions.

III. Information on parties to armed conflict credibly suspected of committing or being responsible for acts of rape or other forms of sexual violence

15. The last year has seen several new and ongoing armed conflicts where sexual violence was widespread and, in some instances, may have been systematically targeted at civilians by armed forces and armed groups, in order to punish, humiliate and destroy. Mass rapes against women and girls were also witnessed. The general breakdown in law and order, the absence of justice, continuing conflict, entrenched discriminatory attitudes and practices and the prevailing culture of impunity in these situations allowed for these crimes to be committed not only with appalling consequences for the victims, but with a force that destroys the fabric of society as a whole.

16. In all these situations, cases of conflict-related sexual violence remain largely unreported owing to several factors, such as social stigma, fear of reprisals, insecurity, a lack of available response services and the perceived futility of reporting as a result of weak administration of justice, apathy and political pressure. In cases where survivors record their cases, they often do so in order to receive medical and psychosocial support, and with the expectation that justice may be served in the future. Cultural practices and norms also tend to take precedence over written legislation in some contexts, where the burden of responsibility and proof fails on the victim. Reparation and redress are also hardly enforced by the justice system. Furthermore, given the slow pace of most investigations of sexual violence, whether owing to lack of will or to lack of capacity, expertise and resources, the fact is that most perpetrators of sexual violence remain at large and continue to enjoy impunity.

Colombia

17. The Constitutional Court of Colombia, in its order 092(2008), indicated that sexual violence, as well as sexual abuse and exploitation, was a habitual, extensive, systematic and invisible practice in the context of the Colombian armed conflict, perpetrated by all of the illegal armed groups and in isolated cases, by individual agents of the national armed forces. Among the specific offences and circumstances surrounding acts of conflict-related sexual violence cited by the Court were acts of sexual violence within armed operations; sexual violence against women and girls

who have been forcibly recruited; sexual violence against women whose relatives are members of armed groups; acts of torture and sexual mutilation; and forced prostitution and sexual slavery. Sexual violence disproportionately affects girls, displaced women and girls and Afro-Colombian and indigenous women and girls. This phenomenon however remains vastly underreported.

18. Of particular concern is the commission of grave and repeated acts of sexual violence by armed groups such as the Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo (FARC-EP) and the Ejército de Liberación Nacional (ELN), and illegal armed groups that emerged after the demobilization of paramilitary organizations, against girls who are recruited or associated with them. The girls are required to have sexual relations with adults at an early age and are forced to abort if they become pregnant. They are also forced to use methods of contraception that are often inadequate and harmful to their health. Sexual violence and forced displacement are also linked, as too often displacement becomes the only avenue left for women and girls in certain areas to avoid becoming victims of sexual violence by armed groups. While many of these illegal armed groups are dedicated to common criminal activities, others operate in a manner similar to that of the former paramilitary organizations. Some of the groups have a military structure and chain of command and are capable of exercising territorial control and sustaining military-type operations. Some of these groups have demonstrated their capacity to mutate and, in some instances, to operate jointly. The Government considers all these groups to be criminal gangs.

19. There have been reported cases of sexual violence by members of Colombian security forces. In most of the cases, the victims were girls. For example, in September 2011, the Office of the Human Rights Ombudsman in Colombia stated that in Cartagena district, in areas where the presence of the armed forces is significant, "even if cases of sexual violence against women perpetrated by the security forces do not correspond to a war strategy [...], they constitute a generalized practice that takes advantage of the conditions of subordination of women, their precarious economic conditions resulting from lack of protection by the State, and the acceptance of existing ideas in the local culture, such as that a woman's body is an object that belongs to men". While recognizing the existence of sexual violence allegedly attributable to members of the security forces, the Ministry of Defence of Colombia stresses it is not possible to say that it is a widespread practice. The Ministry also recognizes the need to review the systems and protocols for dealing with complaints, as they serve as an early warning mechanism to prevent serious human rights violations and breaches of international humanitarian law.

20. The Government of Colombia has undertaken several positive steps to address sexual violence. In July 2011, a High Adviser for Women's Equality was appointed to advise the Government on gender equity and public policies. In a public declaration in September, the High Adviser expressed the importance of preventing and prosecuting sexual violence crimes committed by all parties to the conflict. The Victims and Land Restitution Act of June 2011 also represents a significant step forward in addressing conflict-related sexual violence. The law recognizes differences based on gender and sexual orientation and provides for specific protection measures and special procedures, including reparations. Further, some mechanisms to provide assistance and services to victims of sexual violence and their families have been established, such as the Centre for Comprehensive Attention to Victims of Sexual Violence.

21. Efforts to ensure accountability are also being undertaken by military and judicial authorities. Through directive No. 06 (17 May 2011), the Attorney-General reiterated his commitment to fight against impunity for sexual violence, especially that which is directed against women and children in the armed conflict. In March 2011, seven police officers from the National Police were sentenced for sexual abuse committed in June 2009 against a displaced 13-year-old girl in Bogotá. Directive No. 11 (July 2010) of the Minister of Defence, which sets the obligation of the armed forces to prevent, in the exercise of their functions, all forms of violence against women and children, specifically violent sexual acts, is currently being reviewed to ensure it is in line with a "zero tolerance" policy against sexual violence. However, there remains the need to develop definitive measures to enforce military discipline, including strengthening command responsibility, separation from service, preventive background checks on military personnel, immediate response protocols and the enabling of judicial and disciplinary investigations, as well as preventive and protection measures for victims, including reparations.

22. By its order 092 of April 2008, the Constitutional Court of Colombia ordered the Attorney-General's Office to pursue investigations into 183 specific cases of sexual violence against women and girls. To date, only four of those cases have been brought to trial. Further, throughout the country, of 77 cases being investigated by the regional sections of the Attorney-General's Office, 42 arrest warrants have been issued and there have been six convictions. Separately, in the context of the transitional justice mechanism established in Colombia (Law 975), the Justice and Peace Unit of the Attorney-General's Office reported that as of 31 July 2011, of 26,026 confessions made by members of former self-defence militias, only 55 were of sexual violence. Judicial actions have been initiated against some self-defence militias who operated between 1999 and 2006, under the framework of the Justice and Peace Law. The new Attorney-General has taken some positive steps in 2011 to combat impunity for sexual crimes. For instance, in August 2011, in Norte de Santander, a member of a paramilitary group was charged with subjecting at least 25 women and girls to torture and sexual slavery.

Côte d'Ivoire

23. Côte d'Ivoire witnessed an increase in rape and gang rape targeting civilians during the recent post-elections crisis, tragically repeating what occurred during the country's 2002-2004 civil war. Sexual violence crimes were committed by all parties to the conflict, which included elements of the former Forces de défense et de sécurité (FDS), elements of the former Forces armées des forces nouvelles (FAFN), elements of the Forces républicaines de Côte d'Ivoire (FRCI), members of militia groups,[3] traditional hunters known as Dozos and members of the Fédération estudiantine et scolaire de Côte d'Ivoire (FESCI), either affiliated with former President Laurent Gbagbo's coalition, La majorité présidentielle (LMP), or the

[3] At the end of May 2011, there were estimated to be 15,000 militiamen and mercenaries grouped into at least 20 groups, including the Front pour la libération du Grand Ouest (FLGO), led by Maho Glofié, the Alliance patriotique du peuple Wé (APWE) led by Gougnan Monpuho Julien alias Colombo; the Mouvement ivoirien de liberation de l'ouest de la Côte d'Ivoire (MILOCI) led by Ziké Sylvain alias Pasteur Gammi; the Union patriotique de résistance du Grand Ouest (UPRGO), led by Yayi Octave, with the Duekoué subsection led by Gabriel Banao; the Force Wé led by Tehe Laurent; the Force spéciale anti-terroriste (FSAT), led by Guei Hugues; the Union pour la défense des Wé (UDWE) led by Gbaou Adonis; the Mouvement armé indépendant du Moyen-Cavally (MAIMCA) led by Tekoua Sonzai Lucien; the Coalition pour la libération du Grand Ouest, Toulepleu section, led by Gbopehi Marcel; the Cossforlo, led by Pasteur Tia Robert; and the Seanhe Gban, led by Kouitechle Paul.

ruling party coalition of President Alassane Ouattara, the Rassemblement des Houphouëtistes pour la démocratie et la paix (RHDP). Civilians, including in some instances children aged between 12 and 15 years, were also reported to be perpetrators.

24. These acts were politically or ethnically motivated and inflicted publicly or in front of family members by elements of armed groups or militias in order to humiliate men and women perceived as political opponents. In Abidjan, on 18 December 2010, seven women who were arrested during a demonstration staged on 16 December by RHDP supporters were gang-raped on two occasions by three masked gendarmes while in detention at the police prefecture. On 3 April 2011, a girl and three male supporters of RHDP were raped in Abidjan by armed youth affiliated with LMP. Similarly, on 11 April, also in Abidjan, seven children between 10 and 15 years of age were raped by RHDP supporters. One of the girls allegedly died as a result of the rape while the survivors left their homes and went into hiding.

25. An alarming trend in rape cases was also observed in western Côte d'Ivoire, where gang rapes by unidentified individuals believed to be members of militia groups frequently occurred during armed attacks against public transport vehicles or private homes. The perpetrators took advantage of the worsening security situation as well as the collapse of the judicial and corrections system, which led to the nationwide escape of almost 12,000 prisoners, including notorious repeat sex offenders. On 4 January 2011, at least 17 women, including a six-year-old child, were gang-raped in Duékoué by a group of 10 armed militiamen belonging to the Alliance patriotique de l'ethnie Wé (APWE), led by Gougnan Monpuho Julien alias Colombo. The group threatened to burn them alive if they resisted being raped. On 7 February, five women and girls belonging to the Malinké ethnic group were gang-raped by a group of eight militiamen who ambushed the vehicle in which they were travelling between Duékoué and Man. However, the assailants did not rape two other women belonging to the Guéré ethnic group who were travelling with them. Incidents of rape by members of the Mouvement ivoirien de libération de l'ouest de la Côte d'Ivoire (MILOCI), led by Zéké Sylvain alias Pasteur Gammi, the Union patriotique de résistance du Grand Ouest (UPRGO), led by Yayi Octave, and the Front pour la libération du Grand Ouest (FLGO), led by Maho Glofié, were also documented. In early February 2011, nine women and girls, including pregnant women and a minor, were raped by FDS elements stationed in Boyapleu (Danané), prompting the flight of all young women from the village. Some of the pregnant survivors subsequently gave birth to stillborn babies. On 14 March, in Doké, a 20-year-old woman, then eight months pregnant, was raped by a FRCI element as she was trying to flee the city along with other inhabitants. On 13 April, in Deahouepleu, a female militant from the former ruling party, the Front populaire ivoirien (FPI), was raped by a FRCI element.

26. Between January and September 2011, a total of 478 cases of rape were documented across the country, including through the gender-based violence subcluster. However, only 13 arrests have been made, with no convictions to date. Discriminatory provisions within the national legislation, such as article 354 of the penal code, which does not specify the elements constituting the crime of rape, result in inconsistent rulings and decisions in violation of international law. Rape charges are often reclassified as indecent exposure (*attentat à la pudeur*), entailing a much shorter period of time for investigation and evidence-gathering. The Dialogue, Truth and Reconciliation Commission, established by presidential decree on 13 July 2011, represents an important step in rebuilding trust among Ivorians and in the fight against inhumanity, including crimes of conflict-related sexual violence.

During the visit of my Special Representative to Côte d'Ivoire in November 2011, Charles Konan Banny, the President of the Commission, made the commitment that reparations for victims would be an integral part of the Commission's mandate.

Democratic Republic of the Congo

27. Acts of sexual violence, including a series of mass rapes, took place in North and South Kivu in the eastern Democratic Republic of the Congo during the reporting period. In several incidents, mass rapes appear to have been perpetrated as a form of retaliation by armed groups or by elements of the Armed Forces of the Democratic Republic of the Congo (FARDC) against the population for their alleged collaboration with the "enemy". Acts of sexual violence are also used as an instrument to assert economic or political control over the population. On 31 December 2010 and 1 January 2011, at least 46 women and one girl in Bushani and Kalambahiro (Masisi territory, North Kivu) were raped allegedly by armed men identified as FARDC elements, commanded by Colonel Chuma Balumisa and Colonel Mugisha, who may have acted in reprisal against the civilian population for their perceived support of "enemy" forces. Separately, during the night of 1 to 2 January 2011, in Fizi territory (South Kivu), more than 50 women were raped by integrated elements (ex-Congrès national pour la défense du peuple (CNDP) and Patriotes résistants congolais (PARECO), led by Lieutenant Colonel Kibibi Mutware) of the former 43rd FARDC sector, in what was believed to have also been in retaliation against the civilian population following the killing of one FARDC element belonging to that sector. On 21 February, the South Kivu military court in Baraka sentenced 11 FARDC elements, including Lieutenant Colonel Mutware, for crimes against humanity, including rape, committed on 1-2 January in Fizi town. In Kikozi, Uvira territory (South Kivu), nine women were allegedly raped and one health centre and several households reportedly looted, by Forces républicaines fédéralistes (FRF) elements led by Major Rupongo Rogatien John and Major Shaka Nyamusaraba, who had been recently integrated into FARDC. In June, 80 people, including 12 children and a man, were allegedly victims of rape and other acts of sexual violence by Alliance des patriotes pour un Congo libre et souverain (APCLS) elements, led by General Janvier Karairi, in Mutongo and surrounding villages, in Walikale territory (North Kivu). Extensive looting and other human rights violations were also documented. Also in June, the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) received reports that between 9 and 12 June, rapes and looting had allegedly been committed by FARDC elements under the command of Colonel Kifaru Nirgiye Karibushi in Nakiele and surrounding areas in Fizi. According to MONUSCO, following two investigation missions to the area, it has been difficult to ascertain the scope and magnitude of the incidents. However, it has been confirmed that human rights violations, including sexual violence, occurred. My Special Representative on Sexual Violence in Conflict is working closely with MONUSCO, United Nations agencies and non-governmental organizations to follow up on this matter. A judicial investigation by the South Kivu military prosecutor is ongoing; on 12 October, Colonel Kifaru was appointed as commander of the 111th FARDC regiment in Lemera (South Kivu).

28. Following the mass rapes and looting committed by Mai-Mai Sheka and FDLR elements in Walikale between 30 July and 2 August 2010, during which at least 303 people in 13 villages were raped, "Lieutenant Colonel" Mayele of Mai-Mai Sheka remains in custody, although his trial is yet to begin. Government authorities also issued arrest warrants for "Colonel" Sheka Ntaberi himself, as well as for

"Lieutenant Colonel" Evariste Sadiki Kanzeguhera and "Captain" Seraphin Lionzo alias Karangwa of the Forces démocratiques de libération du Rwanda (FDLR), all of whom are also alleged to have been involved in the attack and who remain at large. On 15 September, the Independent National Electoral Commission registered "Colonel" Sheka's candidacy in the National Assembly elections, which began on 28 November. Meanwhile, Mai-Mai Sheka attacks in Walikale continued. Following the events in July and August 2010, the United Nations supported the deployment of 100 Congolese National Police officers to the affected area through an integrated response. The deployment facilitated the return of the local population to their villages and Government authorities' criminal investigations into the incident. This represents a positive example of local security forces employed to provide protection to victims and witnesses of sexual violence.

29. A total of 625 cases of sexual violence perpetrated by parties to the conflict were documented during the reporting period by the United Nations, representing 602 cases against women and girls and 23 against men and boys in the three conflict-affected provinces: North Kivu (299), South Kivu (167) and Orientale Province (159). Of these 602, 151 cases (including those of five children) were attributed to FDLR; 34 cases (including 26 children) to the Lord's Resistance Army (LRA) and 126 cases (including 24 children) to various Congolese armed groups, particularly FRF, APCLS and Mai-Mai groups in North and South Kivu, including Mai-Mai Sheka and PARECO. Of particular concern is that almost half of the 625 cases were attributed to elements of FARDC (261 cases, including 3 men, 66 children) and the Congolese National Police (41 cases, including 13 children). This may be explained in part by the fact that human rights violations perpetrated by the national security forces are easier to monitor than those of armed groups due to access.

30. LRA combatants in Orientale Province often attack villages with the aim of looting supplies for the group but also abducting adults and children to carry stolen goods. Most of the abducted girls and women are subjected to sexual slavery during their captivity, including being forcibly married to LRA commanders. Individual cases of rape were reported as perpetrated by elements of the national security forces and armed groups against farmers on their way to their fields. Cases of sexual violence perpetrated by FARDC elements allegedly occurred during patrols or when extorting supplies from the population. The limited progress in the development of an accountable and professional security force, the lack of regular payment of salaries and the weak command and control structure of the Congolese army contribute to continued human rights violations, including sexual violence.

31. Data recorded through the multisectoral assistance component of the national strategy on gender-based violence indicate that 3,527 victims of sexual violence (including 723 children) in North Kivu, 4,379 (1,015 children) in South Kivu and 1,628 in Ituri received medical and psychosocial support from October 2010 to August 2011. The number of assisted persons does not represent the number of new cases of sexual violence documented during the same reporting period. This is because some victims access services only when they start experiencing health problems, whereas others seek psychosocial support months or even years after the incident occurred. Also, in a post-conflict context, in areas where large numbers of armed elements are undergoing demobilization, it can be difficult to differentiate between civilians and former combatants. Victims may therefore often name civilians rather than men in uniform as their aggressors.

32. Despite the increased efforts by the Government of the Democratic Republic of the Congo, supported by the international community including MONUSCO, to arrest and try perpetrators of sexual violence, a significant number of cases of sexual violence committed by armed groups and FARDC elements have not been followed up through judicial means. Some cases are not investigated, or if they are, trials are not held, or sentences are not served by the perpetrators. Even when perpetrators are prosecuted and convicted, judges often apply a penalty below the minimum set out in the law. Of particular concern is the impunity enjoyed by high-ranking officers responsible for human rights violations, including sexual violence. For instance, the perpetrators of the rapes that took place in Kikozi and in Bushani are still at large. It is also regrettable that the trial of "Lieutenant Colonel" Mayele has yet to begin despite efforts by MONUSCO and other partners to support the judicial process.

33. Between December 2010 and August 2011, more than 250 trials of elements of national security forces were held with the assistance of MONUSCO and other United Nations entities, including through holding mobile hearings. As a result, more than 150 FARDC and Congolese National Police elements were sentenced for rape and other acts of sexual violence. In addition, on 16 August 2011, in a landmark trial, the Bukavu military tribunal convicted two Rwandan FDLR combatants charged with crimes against humanity, including rape, committed against the population of Kalonge and Bunyakiri from June 2006 to January 2007.

34. MONUSCO has established four of a proposed five prosecution support cells (PSCs) to boost the capacity of the Congolese justice system in the investigations of war crimes and crimes against humanity, including sexual violence. The MONUSCO Security Sector Development Unit has coordinated a training programme for Congolese army officers in Orientale Province and South Kivu to become trainers on sexual violence, child protection, human rights and international humanitarian law. Similar initiatives are under way, including with the Congolese National Police, in the eastern part of the country, focusing particularly on dealing with victims and witnesses of sexual and gender-based violence. In both instances, the training modules developed will become the national standard for the training and sensitization of national security forces on sexual and gender-based violence.

Libya

35. During the conflict in Libya between February and October 2011, allegations of sexual violence committed by parties to the conflict were reported. In its report of June 2011, the Commission of Inquiry mandated by the Human Rights Council to investigate alleged violations of international human rights law in Libya concluded that sufficient information had been received to justify further investigation to ascertain the extent of sexual violence. With a view to ascertaining the actual scope and scale of conflict-related sexual violence in Libya, the United Nations has begun to investigate, gather and analyse information on such violations.

36. The preliminary findings from the initial phase of monitoring confirm that both women and men were subjected to rape and other forms of sexual violence. Women were reportedly abducted from their homes, from cars or from the streets and raped in places unknown to the victim, while men were raped in prisons and places of detention. Rape was reportedly used as a form of punishment against those who rebelled against the former Qadhafi regime. It has been alleged that rape was

prevalent in Zawiyah, Zuwara, Ajdabiya, Misrata and Legzaya (Nafusa Mountains), which were besieged by the former Qadhafi forces. It is, however, too early to determine whether security forces of the former Qadhafi regime and its followers had received orders to carry out rape against women, men and children during the conflict. For example, in one case, a 23-year-old woman was raped on two occasions in the town of Beni Walid by armed men who were wearing military uniforms; she is currently five months pregnant. In another case, a 34-year-old woman reported that she had been taken into an interrogation room, thrown on the floor, beaten and raped by three men. She identified them as members of Qadhafi's forces. She also claimed that there were many women who were raped but feared to report it because of stigma. The absence of State structures to address sexual violence exacerbates the situation and strengthens the silence of victims and witnesses.

37. In their testimonies, men who had been arrested and detained between March and June 2011 at the Abu Salim prison and detention facilities such as the Salah-al-Din Centre for Criminal Interrogation, the Maetiga detention centre, the Bojamil Centre of Interior Security and the Gheryan military battalion, reported being subjected to torture and ill-treatment, as well as to sexual assaults, threats of rape against them and their families, and rape, including anal rape with an automatic weapon, electric shocks to their genitals, and having acid thrown on their private parts by the former Qadhafi security forces, including the prison director of the Abu Salim prison, members of the Subhan battalion in Gheryan and auxiliary security agents belonging to the President of the Popular Guard, Mansour Dowd. They had also been threatened with death for failing to confess. The men noted the presence of female and child detainees, and did not rule out the possibility that they were also being raped and sexually abused.

38. Separately, members of the former Qadhafi forces who are currently in detention in the Haffra prison, Tajoura region, also report having been subjected to torture and ill-treatment to elicit confessions for crimes of which they had been accused, including rape and other forms of sexual violence. They deny having received orders to rape from their superiors. In one case, the detainee reported that he had been blindfolded, handcuffed and subjected to electric shocks on his genitals by members of the Abu Hakim Alhalib rebel forces. The head of the centre for the rehabilitation and reform of prisoners in Tajoura confirmed that two members of the former regime were currently in detention on charges of rape committed in the Misrata region during the conflict.

Myanmar

39. Information, including that noted by the United Nations, points to widespread perpetration of rape by Government armed forces (*Tatmadaw Kyi*) in militarized ethnic border areas, particularly in eastern Myanmar. In many instances, the occurrence of rape is allegedly more than opportunistic but condoned by military commanders.

40. The ongoing tensions in ethnic border areas and armed conflict with armed ethnic groups reportedly continue to engender serious human rights violations, including attacks against civilian populations and sexual violence. Reports indicate that as many as 32 women and girls throughout Kachin State were allegedly raped by the *Tatmadaw Kyi* between June and August 2011. According to the Government,

there were four cases of rape in Shan State and one case in Kachin State in 2011 and punitive action has been taken against the perpetrators.

41. The new Government has recognized the negative effect which five decades of armed conflict has had on ethnic minorities and has committed itself to addressing their grievances as well as promoting and protecting human rights.

Somalia

42. Numerous reports have been received of Harakat Al-Shabaab al-Mujahideen (Al-Shabaab) fighters committing sexual violence, including forcing women into marriages and acts of sexual slavery. Women were reportedly stopped at checkpoints and informed that a certain fighter had selected her for marriage. Families, fearing retaliation, generally comply.

43. Since the current influx of displaced persons into Mogadishu, exacerbated by the famine, a significant number of reports of sexual violence have been received. The majority of the reported victims are women and girls who live in internally displaced persons' camps in Mogadishu, having arrived mostly from the Bay and Bakool regions. Testimonies collected from the victims reveal that most women are subjected to violence, including multiple acts of sexual violence, at night while they sleep in their huts. Such violence is perpetrated by groups of armed men in military uniforms. Victims generally are unable to determine the identity of their attackers. For instance, militias under the command of district commissioners or regional administrations wear the same type of uniforms as Transitional Federal Government troops. Further, owing to the lack of or poorly functioning armouries, members of the armed forces and the police reportedly maintain possession of their weapons while off-duty, which could lead to their use by non-authorized individuals. The Transitional Federal Government has committed itself to establishing a task force with the United Nations to develop a strategy to prevent and respond to the phenomenon of sexual violence.

44. The combined effects of the drought and conflict also led to a population exodus from Somalia in the first part of 2011. Displaced women and girls were reportedly subjected to sexual assaults and threats of sexual violence by bandits or men with guns while in transit, and upon arrival in refugee camps in Kenya. Very often these attacks involved multiple perpetrators, with women and girls reportedly raped or gang-raped, often in front of their husbands. From January to June 2011, 136 cases of sexual violence were documented among newly arrived refugees in two out of three refugee camps in Dadaab, Kenya. The number of actual cases is thought to be significantly higher than those reported.

45. Women and girls displaced from south-central Somalia in the recent years owing to the continuing hostilities, and living in internally displaced persons' settlements in "Puntland", also face conflict-related sexual violence. Lack of security, low social status as members of ethnic minorities and a lack of clan protection are all factors that continue to expose them to the risk of sexual violence, which takes place both at the hands of members of the host community as well as fellow displaced men. Women are raped at night in their huts, or going about their chores such as collecting firewood or water, going to the market or working as housemaids. Of 150 cases opened with the police in 2009, none had reached sentencing as of February 2010. Despite pledges by the "Puntland" authorities, this chronic situation remains largely unaddressed.

South Sudan

46. Despite a successful referendum and the achievement of internationally recognized independence during the reporting period, South Sudan experienced violence, notably in Upper Nile, Jonglei and Unity States, with cases of conflict-related sexual violence. Two observations can be made based on the data currently available: first, cases of sexual violence took place in and around encampments of the Sudan People's Liberation Army (SPLA), and were reported when the armed forces remained in an area for some time without engaging in active conflict; second, sexual violence took place during SPLA military operations against militia groups.

47. Several communities located near SPLA camps or barracks reported sexual violence, particularly rapes, perpetrated by SPLA soldiers. These communities reported that they felt that SPLA operated in their areas with impunity, and that they frequently could neither protect themselves from such abuses nor seek redress. It is of concern that law enforcement officials have not regularly undertaken thorough investigations into violations allegedly committed by SPLA. It is also of concern that, where civilian authorities have attempted to pursue those implicated in sexual violence crimes, there has generally been a lack of cooperation from SPLA leadership.

48. During armed conflict between SPLA and the South Sudan Liberation Army (SSLA), a rebel militia group then under the overall command of Peter Gatdet,[4] in Mayom County (Unity State) in May 2011, rapes by both parties were reported. These included the rape of a 15-year-old girl by SSLA elements in May 2011 in Mayom County, and the April 2011 abduction and rape of three girls (ages 16, 16 and 17 years) by the same militia group in Abiemnom County.

49. Rapes by SPLA were also reported during clashes between the SPLA and forces of the rebel militia leader George Athor. At least five cases were reported to have taken place in Fangak County in late February 2011 during the SPLA "Operation Buffalo", a drive to push Athor's forces out of northern Jonglei State. There is evidence that elements of this operation were directed at communities viewed as supporting Athor.

50. In May 2011, four girls (ages 11-15) — returnees who were travelling from northern to southern Sudan — were reportedly raped by Misseriya militia members who attacked their train in Northern Bahr el Ghazal State.

51. The Lord's Resistance Army (LRA) continues to perpetrate sexual violence in South Sudan. In May 2011, two women in Tambura County, Western Equatoria State were reportedly abducted by LRA, and one 16-year-old girl was reportedly abducted by suspected LRA elements in Raja County, Western Bahr el Ghazal State. Further investigations into these abductions were, however, not possible.

52. South Sudan is emerging from decades of war with extremely weak institutions: trained social service providers are almost non-existent, few health workers are deployed at the community level, police are poorly trained and

[4] Lines of command and control among the rebel militia groups in South Sudan are frequently ill-defined, with many subcommanders having substantial control over individual units. While Gatdet represented himself as commander of SSLA, further investigation would be required to establish legal responsibility for the actions of soldiers.

equipped to investigate cases of sexual violence, and all sectors (health, psychosocial and justice) are weak and underfunded. Progress is being made, however, including the approval of a national standard operating procedure for gender-based violence, training of social workers and the development of basic capacity within the police to address such cases. The focus of Government-led efforts is on training and developing support and referral systems for survivors, notwithstanding the challenges in tackling sexual violence perpetrated by the security forces, and ensuring that SPLA leadership addresses this issue through the chain of command.

Sudan (Darfur)

53. During the reporting period, there were spikes in incidents of sexual violence following armed clashes between the Sudanese Armed Forces (SAF) and various armed movements. The clashes between SAF and the Sudan Liberation Army/Minni Minnawi (SLA/MM) and between SAF and the Justice and Equality Movement from December 2010 to late February 2011, and the resumption of hostilities from 10 April to 1 May, resulted in large population displacements in Northern and Southern Darfur and increased the vulnerability of women and girls. The build-up of troops in towns and the proliferation of small arms, including in internally displaced persons' camps, contributed to the prevailing insecurity. Reports of rape, attempted rape and sexual assaults on women and girls were recorded in each of the three Darfur States. Six women were reportedly killed during rapes and attempted rapes. Documented incidents, however, indicate that Government forces, especially SAF and their alleged proxies, have targeted female displaced persons who are perceived to be supporters of SLA/MM, the Justice and Equality Movement or SLA/Abdul Wahid. The signing by the Government of the Sudan and the Liberation and Justice Movement of the Agreement for the Adoption of the Doha Document for Peace in Darfur on 14 July 2011 is a step forward in the peace process. The United Nations calls on the non-signatory movements to cease hostilities and join the peace negotiations.

54. In addition, a total of 66 reported cases of sexual violence involving 111 victims, all internally displaced persons, including 43 children, were recorded by the African Union-United Nations Hybrid Operation in Darfur (UNAMID) during the reporting period. In the majority of incidents, victims and witnesses were unable to provide information on the identity of the alleged perpetrators, described as "men in uniform". The victims in 17 per cent of cases identified Government of Sudan forces as their attackers, specifically the Central Reserve Police, SAF, Government police and "forest guard".[5] There were no reports of incidents of sexual violence in which members of armed movements were identified as perpetrators. However, as UNAMID does not have access to certain areas controlled by armed movements there is no information on the extent of sexual violence in those areas.

55. Of the 66 incidents noted by UNAMID, 35 were reported to the Government police, and investigations have commenced on 26 of the 35 cases. In one instance, a police officer was sentenced to five years' imprisonment by the Court of Appeal for raping a 3-year-old girl, although the case was initially dismissed by the Zalingei General Court owing to the statutory immunity that some Government forces enjoy.

[5] The survivor referred to the "forest guard" which is believed to be a reference to the Wildlife Protection Police.

56. The Government of the Sudan is beginning to address sexual violence cases through the development of a national action plan to combat violence against women. The Government has established units for combating violence against women at the national level and in seven States. There are State committees to combat violence against women and children in each of the three Darfur States. They are tasked with ensuring that cases are reported to Government police and investigated and that there is continued training for key law enforcement and judicial actors. With United Nations support, advanced training for Government police in investigation techniques has been undertaken. Their rotation has, however, raised some challenges in maintaining a cadre of trained police investigators in Darfur. Capacity-building efforts for specific Government ministries, prosecutors and members of the judiciary, as well as for informal rural and traditional court actors, are also being carried out to ensure that sexual violence cases are not dismissed for insufficient evidence or on a point of law, and that psychosocial support is made available to victims without discrimination.

57. In-mission training on conflict-related sexual violence is provided for all newly arrived UNAMID military and police contingents. Additionally, a gender unit is fully operational within the UNAMID police structure, and more female UNAMID police personnel have been deployed to team sites and community policing centres at displaced persons' camps to augment the efforts of Government police in addressing conflict-related sexual violence incidents. Regular UNAMID patrols in localities where there is a UNAMID military outpost and the provision of escorts for firewood, water and grass collection by displaced women and children has assisted in limiting the prevalence of sexual violence cases in these areas, particularly during the farming and cultivation season.

IV. Information on conflict-related sexual violence in post-conflict situations and other situations of concern

A. Sexual violence in post-conflict situations

Central African Republic and Chad

58. Although the Central African Republic and Chad are emerging from conflict following the signing of peace agreements and legislative elections, there are continued reports of incidents of conflict-related sexual violence against women and girls. The primary perpetrators in these settings are civilians, although current and former elements of armed groups are also implicated. In the Central African Republic and Chad, the limited progress so far in the disarmament, demobilization and reintegration and security sector reform processes and the continued presence of armed individuals and absence of State authority in certain regions contribute to the culture of impunity. This is compounded by the influx of returning refugees and internally displaced persons and the absence of protective measures to separate victims of sexual violence from their known aggressors in the community.

59. In the Central African Republic, the Convention des patriotes pour la justice et la paix and road bandits, known as "Zaraguinas" or "coupeurs de route", who operate in the north and east of the country, have been implicated in sexual violence crimes. In the south-east, the abduction of women and girls by LRA for use as sex slaves was reported by several victims, often teenage girls, who were able to escape,

sometimes after years of captivity. A teenage girl who escaped LRA in December 2010 told the United Nations that she had been abducted in October 2010 near Dungu, in the Democratic Republic of the Congo, and had then been taken to the Central African Republic. Another documented case involved a 16-year-old girl who had escaped from LRA in January 2011 after two years in captivity. The lack of verified information on sexual violence, particularly in areas affected by armed conflict in the Central African Republic, has given rise to serious issues of traceability, intervention and support for victims and survivors.

60. In order to tackle impunity in the Central African Republic, a revised penal code was promulgated by presidential decree in January 2010. It recognizes sexual violence, including rape, as crimes. The Government, in consultation with relevant stakeholders, also revised its existing law on the protection of women against violence in the Central African Republic to strengthen the provisions on combating sexual violence. The draft revised law is expected to be reviewed by the National Assembly in 2012.

61. In Chad, significant improvement in respect for the civilian and humanitarian character of refugee and internally displaced persons' camps has been made, reducing the incidence of sexual violence committed by armed men in these camps. However, cases of conflict-related sexual violence continue to be reported. For example, an attempted rape of a refugee was allegedly committed by three Sudanese soldiers in January in Oure Cassoni; a Chadian girl was allegedly gang-raped by three soldiers of the Chadian National Army in February; and the rape of a 16-year-old girl on 4 March was reported, also perpetrated by three members of the Chadian National Army during a disarmament mission in the town of Goz Beida. Impunity enjoyed by soldiers of the armed forces remains a major concern.

Nepal

62. Impunity relating to past human rights abuses, including sexual violence, during the armed conflict is a major factor undermining early recovery and peacebuilding in Nepal. Sexual violence was perpetrated by both security forces and Maoist combatants during the conflict. The failure so far to ensure accountability for these crimes has allowed sexual violence to persist post-conflict.

63. Despite commitments set out in the Comprehensive Peace Agreement of November 2006 to address human rights violations and bring an end to impunity, successive Governments have been reluctant to proceed with delivering truth, justice and reparations to the victims. Victims of conflict-related sexual violence, including rape, have been excluded from the Government's interim relief programme. The two main transitional justice mechanisms provided for in the agreement, namely, the Truth and Reconciliation Commission and the Commission on Disappearances, are yet to be established, although significant progress has been made on this account in recent months. Consensus has been established among lawmakers working on the bills that neither amnesty nor pardon will be granted for rape crimes. This is a significant development, particularly given the failure in the interim relief programme to recognize victims of sexual violence.

64. The failure to investigate, prosecute and punish acts of sexual violence is problematic. Most perpetrators of sexual violence have not been charged with a criminal offence even when a complaint has been registered with the police. Also, in the absence of rights to confidentiality, victim support mechanisms and positive

examples of the system being able to resolve such cases, victims are generally reluctant to seek legal remedy. More concerning is that some alleged perpetrators have been promoted, appointed to senior Government positions or allowed to go on peacekeeping duties. Rape victims also face several obstructions in seeking justice. The civil code chapter on rape requires that when the victim is over 16 years old, evidence of non-consent must be provided. In addition, the 35-day statute of limitation for filing complaints related to rape and other sexual offences impedes further the reporting of cases of a crime that is severely underreported, thereby undermining the chances of a successful prosecution. Although the Supreme Court has issued orders to review the existing legislation, no progress has been made.

Sri Lanka

65. Following the end of conflict in Sri Lanka, concerns have been expressed about the vulnerability of women and girls to sexual violence in the former conflict-affected areas. In addition to the large-scale movement of displaced persons out of the camps in Menik Farm, the high level of militarization of the areas of return requires careful attention, given that thousands of women now head households on their own. Related concerns have been consistently raised, including with the Government of Sri Lanka. According to the Government, there is a considerable number of war widows in the north and east.

66. As highlighted in the joint plan of assistance for 2012, the Government has recognized the importance of addressing sexual violence as part of its response to humanitarian needs in the areas of return, in partnership with relevant stakeholders. The Government's commitment to addressing concerns relating to sexual violence in post-conflict Sri Lanka is an essential measure whose full implementation could contribute positively to reconciliation in the country.

Bosnia and Herzegovina, Liberia, Sierra Leone and Timor-Leste

67. The high levels of sexual violence registered in the present day can to a certain extent be traced to the conflicts or the legacy of conflict in these four countries. In Liberia, in particular, post-war sexual violence has taken on new characteristics, such as gang rapes and the sexual abuse of very young children. Thousands of women (and men) have suffered as a result of these crimes and continue to suffer the effects, including trauma, indigence, poor health and stigmatization. Survivors are also tormented by routine encounters with former rapists. The breakdown of families owing to men being killed, detained or displaced during the conflict has left many women and their children at heightened risk of sexual exploitation and trafficking. Violence experienced during the war also seems to manifest itself in increased and more severe cases of domestic violence in Bosnia and Herzegovina and Timor-Leste. In Timor-Leste specifically, many women are victims of violent behaviours potentially associated with traumatic experiences suffered during the conflict by male members of their family. In addition to impunity for crimes committed during the conflict, there are continuing challenges to ensure accountability for the alleged perpetrators of sexual violence crimes post-conflict.

68. It is important to better understand not only the drivers of high rates of sexual violence in these situations, but also how sexual violence impedes the full restoration of peace in post-conflict societies. The following paragraphs outline initiatives taken to address cases of sexual violence perpetrated during the conflicts,

as well as some of the remaining gaps, particularly in the areas of accountability and reparations for survivors.

69. The Government of Liberia has taken significant steps in recent years to improve the normative and legislative framework on sexual violence. Particularly important are the recent adoption of the 2005 amendments to the penal code (the so-called rape law, which introduced more severe sanctions and provisions on gang rape); the 2008 Sexual Offences Act, which established Criminal Court E in Montserrado County and provided for the establishment of sexual offences divisions of the circuit court in each county, granting exclusive jurisdiction to circuit courts over sexual offences; and the establishment of the Sexual and Gender-Based Violence Crimes Unit. Although it is a positive development that rape is now a non-bailable offence carrying a minimum 10-year sentence, it has deterred women from pursuing cases against family members upon whom they may be economically dependent, and neighbours in communities where the sentence is perceived as unduly harsh. Accordingly, it is common for rape cases to be settled by families out of court. A lack of awareness among victims of how the criminal process works also leads to abandonment of cases after pretrial detention of a suspect, where the victim mistakenly understands that the case is finished. Furthermore, as shown by a tracking exercise conducted by the United Nations between April 2010 and March 2011, the limited capacity of the criminal justice system, particularly outside the capital, has resulted in only 38 of the 903 reported cases reaching trial. Of the 38 cases, 17 ended in convictions. Criminal Court E, which is dedicated to sexual violence, has only heard a limited number of cases since its inception in February 2009. In September 2011, the national children's law was passed by the legislature and is currently on the desk of the President of Liberia for signature. This law includes special provisions for the protection of children against sexual abuse and exploitation.

70. The Government of Sierra Leone has also taken several important steps to address sexual violence. In February 2011, extraordinary court sittings known as "Saturday courts" were established in Freetown to tackle the backlog of cases. The courts, at both the magistrate and high court level, have already had hearings of 73 per cent of the backlogged cases. Final amendments are currently being made to the sexual offences bill by the Ministry of Social Welfare, Gender and Children's Affairs to harmonize the three and sometimes contradictory laws relating to sexual violence in the country.

71. The family support units established in 2001 within the Sierra Leonean police were assigned a leading role in investigating cases of sexual violence against women and children. The units, however, continue to face several challenges. Many people still perceive rape as a social problem and not a crime. Security and justice institutions seem remote, expensive and slow, resulting in reluctance to bring matters to the police. Moreover, the family support units are inadequately equipped to handle the large number of reported sexual violence cases. Their lack of mobility or forensic capacity makes it difficult to collect tangible evidence in rape cases and apprehend suspects in remote areas. There is only one doctor for the entire western area and one doctor in each of the 12 districts who can conduct medical examinations to corroborate sexual abuse. The need to pay for such examinations usually deters access to justice and ultimately contributes to a culture of impunity.

72. Further, only 3,602 survivors of sexual violence were among the 32,110 war victims registered by the Reparations Directorate of the National Commission for Social Action. It has been estimated however that 250,000 women and girls were subjected to rape and other forms of sexual violence during the conflict, which suggests that a large number of sexual violence victims have not been registered.

73. In Timor-Leste, in relation to serious human rights violations involving sexual violence committed in 1999, the serious crimes units of the predecessor missions to the United Nations Integrated Mission in Timor-Leste (UNMIT) filed eight indictments for rapes and rapes as crimes against humanity, involving 22 alleged perpetrators and 22 victims. To date, two of the alleged perpetrators have been sentenced, one has been acquitted, and in one case the Dili District Court found that it had no jurisdiction. The Serious Crimes Investigation Team of UNMIT has concluded investigations into 16 cases of sexual crimes as crimes against humanity committed in 1999, involving 20 victims. A further six cases involving 14 victims are currently under investigation.

74. Further, in September 2010, the National Parliament of Timor-Leste approved in general reading two draft laws for creating a memory institute and establishing the framework for a reparations programme for victims of past human rights violations, including rape and sexual slavery. These new laws, when enacted, will provide the first comprehensive form of redress for victims.

75. In Bosnia and Herzegovina, the number of cases of wartime crimes including sexual violence prosecuted so far by the authorities is extremely low. Local courts still face serious obstacles in prosecuting war crimes. There is a lack of investigation of those responsible and often those accused are free or have managed to escape. Notorious instances of flight have been registered, also among those already convicted or detained. According to the information of the prosecutors and courts in Bosnia and Herzegovina, as of June 2011, a total 174 cases of conflict-related sexual violence were being processed, and there had been 12 convictions by national courts and 18 prosecutions by the International Tribunal for the Former Yugoslavia.

76. There is also an evident gap in the legal framework which may result in impunity for crimes of sexual violence committed during the conflict. The definition of war crimes of sexual violence in the Bosnia and Herzegovina Criminal Code (articles 172 and 173) is inconsistent with international standards and the jurisprudence of international courts, as the use or threat of force are considered the only means available to establish that sexual acts were not consensual.

77. More than 16 years since the end of the conflict, a national reparation strategy, which would entail victims of rape and other forms of sexual violence receiving restitution, rehabilitation, satisfaction, restoration of dignity and reputation, guarantees of non-repetition and prompt, fair and adequate compensation, remains absent. Rape survivors are often only eligible for a disability pension, which is a form of social welfare rather than reparation. Only the Federation of Bosnia and Herzegovina recognizes rape victims as war victims; while the Republika Srpska still only recognizes as victims those who are able to prove 60 per cent physical disability and the inability to work. This inconsistency not only results in victims of rape who were receiving social assistance owing to their status as victims of war to lose their rights if they move from one entity to the other, but also discourages their return to their pre-conflict homes.

78. A comprehensive strategy to advance the rights of women survivors of conflict-related sexual violence is being developed by the Ministry of Human Rights and Refugees of Bosnia and Herzegovina. The Strategy will deal primarily with the issues of women. However, options will be explored to integrate the men to the extent possible.

B. Sexual violence in the context of elections, political strife and civil unrest

79. Situations of civil and political unrest or instability, including pre- and post-electoral violence, where reports suggest that sexual violence was used to serve political ends and to target opponents, are relevant for the purpose of reporting under resolution 1960 (2010). Sexual violence employed as part of the repertoire of political repression needs to be monitored as a security threat, as a context in which sexual violence amounting to a crime against humanity may occur, and as a potential conflict situation.

Egypt

80. As part of the wave of uprisings that swept across the region, the popular uprising that took place between 25 January and 11 February 2011 in Egypt was mainly a campaign of non-violent civil protest, which featured a series of demonstrations, marches, acts of civil disobedience and labour strikes. Millions of protesters, men and women from a variety of socio-economic and religious backgrounds, demanded the overthrow of the regime of President Hosni Mubarak. Although predominantly peaceful in nature, the events were not without violent clashes. During the period between 25 January and 11 February 2011, when the President stepped down, women and men were subject to police torture, beatings, verbal and physical abuse and arrests, sexual violence and abuse by segments of the police, security forces and alleged agents of the regime and individuals paid to intimidate protestors and the media.

81. On 9 March 2011, the Egyptian military arrested 18 women during a peaceful protest in Tahrir Square. Seventeen of them were allegedly transferred to a military prison in Heikstep, where they were subjected to virginity tests and were threatened that "those not found to be virgins" would be charged with prostitution. All 17 women were reportedly brought before a military court on 11 March and released on 13 March. It was reported that the Supreme Council of Armed Forces subsequently acknowledged carrying out the practice of virginity tests on female protestors.

82. Following the increased reporting of sexual violence and abuse cases during and soon after the revolution, the Supreme Council of Armed Forces issued a decree (11/2011) on 1 April 2011 to replace certain provisions in the Egyptian penal code (58/1937) with amendments that toughen the penalty for crimes of sexual harassment, abduction and rape. The recent decision by the Administrative Court of the State Council ordering a halt to virginity tests on female detainees in military prisons is significant. In this connection, the Supreme Council has indicated that one soldier will be court-martialled on charges of public indecency and breach of military procedures.

Guinea and Kenya

83. Following the post-election violence in Kenya in 2007 and Guinea in 2009, both national and international commission investigations into the character and scope of human rights violations were carried out. The outcome of these investigations established several trends. First, a clear nexus existed between elections and commission of the violence in order to achieve political objectives. Second, widespread sexual violence was committed against women, men and children, including gang rape and sexual mutilations, which appeared to have been targeted to punish the victims for their perceived political affiliation. Third, many victims died of their injuries related to cruel sexual attacks.

84. In Guinea, two years after the violence, not a single perpetrator has been convicted. The work of the independent panel of judges, established in 2010, has reportedly led to three arrests. Of more concern is that Lieutenant Colonels Claude Pivi and Moussa Tiegboro Camara, both implicated in the September 2009 events, were appointed by President Alpha Conde as Minister of Presidential Security and director of the national agency against drugs, organized crime and terrorism, respectively. Further, soldiers and officers known to have taken part in the violence have not been put on administrative leave, pending investigation by the military hierarchy. During the visit of my Special Representative on Sexual Violence in Conflict to Guinea, the Government and the United Nations issued a joint communiqué on 22 November in which the Government committed itself to implementing the recommendations of the International Commission of Inquiry concerning the 28 September 2009 incidents (see S/2009/693). The Government also committed itself to ending impunity for sexual violence incidents and welcomed the assistance of the United Nations Team of Experts on Rule of Law and Sexual Violence in Conflict to strengthen the capacity of the panel of judges appointed to prosecute the alleged crimes.

85. In Kenya, a total of 1,500 cases were documented, although the exact number was estimated to have been higher given that many cases went unreported and many rape victims were subsequently killed. The alleged perpetrators included Kenya's security forces, including members of the General Service Unit, members of the armed forces and police and members of the security forces. In Guinea, 109 women, including children, were victims of sexual violence by the presidential guard (known as the "red berets"), the special services responsible for combating drug trafficking and organized crime, the national police, army and militias.

86. More than three years have passed since these crimes were committed in Kenya. Important legislative and administrative reforms are under way, with the first set of laws going through the parliamentary procedure in late August 2011,[o] following the adoption of the new Constitution in August 2010. The confirmation of charges hearings in the case at the International Criminal Court, *The Prosecutor v. Francis Kirimi Muthaura, Uhuru Muigai Kenyatta and Mohammed Hussein Ali*, ended on 5 October 2011. However, credible national trials will be necessary to complement the international prosecutions and to widen accountability for the post-election violence. Generally, Kenya remains peaceful but the political environment is expected to continue to be charged as the country heads for the next general

[o] Including, inter alia, the Kenya National Human Rights Commission Act, the Commission on the Administration of Justice Act, the National Gender and Equality Commission Act, the Political Parties Act and the Election Act.

elections in 2012. Accordingly, there is continued monitoring and peacebuilding initiatives at the former hot spots of politically motivated inter-ethnic violence, in view of the potential for repeated violence and population displacement.

Syrian Arab Republic

87. In the light of the violent response by the Syrian authorities of the widespread anti-Government protests and the grave deterioration of the human rights situation in the country since mid-March 2011, a fact-finding mission mandated by the Human Rights Council was dispatched by the High Commissioner for Human Rights to investigate all alleged violations of international human rights law. It was followed by the dispatch of an independent international commission of inquiry, also mandated by the Human Rights Council, which issued its report (A/HRC/S-17/2/Add.1) on 23 November. While neither the fact-finding mission nor the commission of inquiry were allowed into the Syrian Arab Republic, they interviewed respectively 180 and 223 victims and witnesses, including civilians and defectors from the military and the security forces, and received a number of reports of alleged human rights violations including sexual assault, rape and sexual torture. The commission of inquiry reported the use of sexual torture on male detainees by Syrian military and security forces in detention facilities of the Air Force Intelligence in Damascus, the Military Intelligence in Jisr Al Shughour, the Military Intelligence and the Political Security in Idlib and Al Ladhiqiyah, and the intelligence detention facilities in Tartus. Several of the detainees reported repeated threats of rape against them and their families. Testimonies were received from several men who stated they had been anally raped with batons and that they had witnessed the rape of boys between the ages of 11 and 15. Defectors from the military and the security forces indicated to the commission of inquiry that they had been present in places of detention where women were sexually assaulted; the commission, however, received limited evidence to that effect.

88. According to the Government of the Syrian Arab Republic, a number of human rights violations, including sexual violence against women and girls, were committed by members of armed groups. In one incident in Homs, in November, members of an armed group reportedly ambushed a bus with 13 girls on board. The girls were reportedly raped and three were subsequently killed.

C. Sexual violence in other situations of concern

89. My Special Representative is also following up on reports by the United Nations about acts of sexual violence against citizens of the Democratic Republic of the Congo (and other countries) committed in the context of expulsions to the Democratic Republic of the Congo of suspected illegal immigrants[7] present in Angola, that constitute a protection concern. My Special Representative visited Kamako on the Congolese side of the border, and followed up with a visit to Lunda Norte on the Angola side, in order to look into allegations of sexual violence. She is adopting a pragmatic and cooperative approach aimed at addressing these protection concerns with both the Congolese and Angolan authorities.

[7] It is to be noted, however, that among the expelled and victims of human right violations are Congolese citizens who are legal migrants with the necessary legal documentation to live and work in Angola.

90. Notwithstanding the sovereign right of Angola to expel illegal immigrants, the United Nations has been particularly concerned about reports of alleged human rights abuses, including sexual violence particularly against women and girls, during expulsions committed by members of the Angolan security forces. The expulsions have been particularly marked in the sparsely populated, poorly controlled border areas, especially from Lunda Norte, a major diamond-producing province in Angola, to Kasai Occidental in the Democratic Republic of the Congo. Collected information indicates that from January to mid-October 2011, approximately 3,768 expelled persons (of 71,879 total expulsions), including 998 children, experienced various forms of sexual violence, including rape, at the hands of Angolan security forces. Angolan authorities maintain that they are not aware of this information.

91. Following the mission to Angola of my Special Representative in March 2011, a joint Angola-United Nations communiqué was issued in which the Government of Angola committed itself to preventing sexual violence, investigating alleged violations on the basis of credible information and punishing perpetrators. The Government also agreed to facilitate assessment missions of the United Nations and the International Organization for Migration to areas of concern, to give United Nations personnel in such missions access to detention centres, and to allow them to observe the organized expulsions and repatriations carried out by Angolan authorities. In September 2011, the Minister of the Interior made a public statement about respect for the dignity of people in vulnerable situations such as those who are detained prior to expulsion. The Government of Angola has welcomed efforts by the United Nations to strengthen the capacity of the United Nations country team and Angolan authorities to monitor the implementation of the joint communiqué. In addition, in May 2011, the Government of Angola enacted two laws establishing legal guarantees for the protection of foreigners and has embarked on a reform of the migration and foreigners' service with a view to improving the quality of its services.

V. Other concerns

92. I have expressed concern on allegations of sexual violence in the context of detention in previous reports. The Office of the Special Representative on Sexual Violence in Conflict has received reports of sexual violence perpetrated by members of police, military or prison personnel against women, men and children in the context of detention and border crossings in several conflict situations. The information indicates that detainees were subjected to threats of rape and other forms of sexual violence against them or their families, sexual assaults, strip searches, forced nudity and, in some cases, sexual abuse in the context of interrogation. It has been alleged that this was done in order to elicit confessions, obtain information or secure the collaboration of detainees. Such acts are prohibited under international humanitarian and human rights law. Detaining authorities have a duty to investigate all allegations of sexual violence and to ensure that all persons under their control are treated humanely. The Office of the Special Representative will continue to monitor and engage with the relevant national authorities to address such allegations as they arise.

VI. Missions and political engagements of the Special Representative of the Secretary-General

93. Visits by my Special Representative to areas of concern remain a central element of the advocacy strategy to bring high-level visibility to the plight of men, women and children victims of conflict-related sexual violence. My Special Representative undertook five field visits during the reporting period: Democratic Republic of the Congo (February 2011), Angola (March 2011) and Guinea, Sierra Leone and Côte d'Ivoire (November 2011). During these visits, the respective Governments have made a number of commitments, particularly with regard to addressing impunity for sexual violence crimes and training of security personnel. My Special Representative has also engaged with regional bodies such as the African Union and the European Union to advocate for the appointment of high-level focal points who will facilitate the integration of conflict-related sexual violence considerations as a consistent priority in the policies and operations of the respective bodies.

94. My Special Representative has also made it a priority to engage and collaborate closely with women's and non-governmental and civil society organizations, as they play an indispensable role in shaping response to conflict-related sexual violence. These organizations have galvanized awareness and commitment, developed important activities on the ground, helped to strengthen international standards, published important reports that have increased knowledge on this issue, shared essential information, formed effective coalitions on various initiatives and pressured parties in conflict to protect men, women and children from the scourge of sexual violence.

VII. Engagements by the Team of Experts on the Rule of Law and Sexual Violence in Conflict

95. The Team of Experts, established under paragraph 8 of Security Council resolution 1888 (2009), became fully operational in mid-May 2011 with its core team composed of a team leader located in the Office of the Special Representative and members from the Department of Peacekeeping Operations, OHCHR and the United Nations Development Programme (UNDP). The Team will be supplemented in the future by a roster of experts which is currently under development.

96. In undertaking its mandate, the Team continues to globally monitor situations of particular concern with respect to sexual violence in armed conflict, as identified in coordination with the Office of the Special Representative and United Nations Action against Sexual Violence in Conflict, and has begun developing country dossiers. The Team has so far carried out visits to the Democratic Republic of the Congo (February 2011), Liberia (April-May 2011), South Sudan (June 2011) and Guinea, Sierra Leone and Côte d'Ivoire (November 2011).

97. In the Democratic Republic of the Congo, the Team undertook an assessment of measures needed to complement the work of the United Nations on the ground and to strengthen the Government's efforts to fight impunity for sexual violence. The assessment highlighted the need for safe and secure environments within FARDC and the Congolese National Police for reporting on sexual violence; for strengthening the investigative capacity of the military justice system, including in

evidence collection, storage and protection; and for effective prosecution and the protection of witnesses, victims and survivors. Based on the assessment, the Team, in cooperation with the MONUSCO Rule of Law Section, the United Nations Joint Human Rights Office in the Democratic Republic of the Congo and UNDP, developed two initiatives. The Team will provide expert advisers to assist the work of the Congolese military justice system through the prosecution support cells established by MONUSCO. They will focus on identifying and responding to the existing case backlog; collecting, processing and managing information on sexual violence; and investigating and prosecuting the most serious sexual violence crimes.

98. In a second initiative, the Team is working with relevant United Nations and national entities on the ground to assist the Government in the deployment of 25 newly appointed female civilian magistrates trained by the United Nations on sexual violence to prosecution offices of major jurisdiction in the eastern part of the country. With the support of the Team, these magistrates will constitute sexual violence cells and lead the investigation and prosecution of sexual violence cases within the civilian justice system.

99. Building on these two initiatives, the Team is currently mapping 30 major incidents of sexual violence which occurred under the current legislature (2006-2011), to track progress of investigations and prosecutions by the national justice system and focus the Team's future assistance to the military and civilian justice systems around these incidents.

100. In Liberia, the Team undertook an assessment of key gaps in consultation with United Nations entities, civil society organizations and the Government of Liberia. The Team's proposed areas of support have been fully endorsed by the Government and will be implemented in early 2012. These include the development of sentencing guidelines for sexual violence crimes, reviewing the rape law (see para. 69 above) and ensuring its complementarity with the Children's Act, and strengthening the capacity of the justice chain by embedding technical expertise in the Liberian National Police, circuit courts and the Sexual and Gender-Based Violence Crimes Unit.

101. The visit to South Sudan enabled the Team to provide the Government with input on the draft Transitional Constitution to ensure that it established a strong basis for prevention and response to sexual violence and built on the Bill of Rights, including on issues such as equality and non-discrimination, accountability and women's participation. The Team also identified initial areas of focus and is currently proposing to undertake an assessment of the justice system that will guide future planning for assistance.

VIII. Key United Nations initiatives to address conflict-related sexual violence

A. Training on conflict-related sexual violence

102. On the basis of the United Nations publication, "Addressing conflict-related sexual violence: An analytical inventory of peacekeeping practice", launched in June 2010, UN-Women and the Department of Peacekeeping Operations have collaborated under the auspices of United Nations Action to develop scenario-based,

predeployment training modules on preventing and addressing conflict-related sexual violence. The modules are being piloted in a number of troop-contributing countries and regional peacekeeper training centres. They require participants to evaluate hypothetical situations in which the local population is at risk of or subjected to sexual violence, and to formulate appropriate courses of action in the context of a particular mission's mandate and rules of engagement. Some of the modules will be integrated into the training modules on protection of civilians in United Nations peacekeeping operations which have been developed by the Department of Peacekeeping Operations and the Department of Field Support. The Office of the Special Representative has also developed training modules on protection of civilians and sexual violence in conjunction with other United Nations and African Union partners, under the auspices of the Kofi Annan International Peacekeeping Training Centre.

103. Additionally, a United Nations police standardized training curriculum on investigating and preventing sexual and gender-based violence in conflict environments has been developed in 2011. The curriculum includes 11 modules on technical investigation skills and crimes related to sexual and gender-based violence, including several case scenarios.

B. Development of early warning indicators

104. Conflict-related sexual violence has long been impervious to detection and absent from mainstream conflict analysis. Accordingly, United Nations Action, the Office of the Special Representative on Sexual Violence in Conflict, UN-Women and the broader United Nations system have developed a framework of early warning signs specific to conflict-related sexual violence. The aim is to integrate this analysis into existing and emerging early warning and prevention systems to facilitate a rapid response.

C. Addressing conflict-related sexual violence in ceasefire and peace agreements

105. To date, few ceasefire or peace agreements include provisions for conflict-related sexual violence. If left unaddressed, sexual violence can be used as a means to continue acts of war outside the purview of agreements and monitoring teams, which can trigger cycles of vengeance and vigilantism and risk undermining confidence in agreements and the mediation process itself. Conversely, its inclusion can increase the durability of peace by mitigating security fears and improving transparency, accountability and confidence among parties.

106. In situations where conflict-related sexual violence may have occurred, United Nations mediators and their teams must actively seek to assess reports of such violence and to engage parties to discuss its immediate termination. It is imperative that any ceasefire and peace agreement brokered by the United Nations include sexual violence as a prohibited act in the definition of ceasefire and in provisions for monitoring, including within relevant annexes.

107. Sexual violence, when used in conflict as a method or tactic of warfare, must be recognized in provisions for security arrangements, as applicable. United Nations

mediators must also ensure that amnesties for crimes under international law are prohibited and that arrangements for transitional justice are included, particularly prosecution, reparations and truth-seeking bodies.

108. In order to more comprehensively address this issue in ceasefire and peace agreements, the Department of Political Affairs, in close collaboration with the United Nations system, eminent mediators and mediation experts, has produced the United Nations Guidance for Mediators on Addressing Conflict-Related Sexual Violence in Ceasefire and Peace Agreements. The normative principles and practical strategies it contains will guide Special Representatives, envoys and mediators in ensuring that conflict-related sexual violence is addressed in preventive diplomacy efforts, mediation and peace processes.

D. Comprehensive strategies to combat sexual violence

109. Through the comprehensive strategy to combat sexual violence in the Democratic Republic of the Congo, launched in April 2009, the United Nations system has created a platform for operational coordination that is delivering dedicated resources and services to combat conflict-related sexual violence in the eastern Democratic Republic of the Congo. The comprehensive strategy is fully embedded in the Government's national strategy on gender-based violence, launched in November 2009. Funding to implement the strategy has been provided primarily through international support for the Government's stabilization and reconstruction plan for areas emerging from armed conflict in the east. The intent in 2012 is to expand support further into Orientale Province (Haut and Bas Uélé), Maniema and northern Katanga, as access, resources and capacities allow. Total funds committed for the period 2010-2012 currently stand at $33 million, with $9 million coming through the Multi-Donor Trust Fund of the Stabilization and Recovery Funding Facility and $24 million from the United States Agency for International Development in the form of bilateral commitments to the strategy.

110. In accordance with Security Council resolution 1935 (2010), in the Sudan, UNAMID undertook a mission-wide discussion on the scope and goals of a comprehensive strategy for prevention of and response to sexual and gender-based violence in Darfur. Recommendations and findings from this process will inform the finalization of the mission's comprehensive strategy, in accordance with its mandate and without prejudice to the sovereign responsibility of the Government of the Sudan for the protection of its civilians.

111. In Côte d'Ivoire, the United Nations Operation in Côte d'Ivoire and the United Nations country team have requested strategic support through United Nations Action to assist the Ministry of Family, Women and Children and the United Nations system in reviving the national strategy on sexual and gender-based violence.

E. Programmatic and funding challenges and opportunities

112. Efforts to conceive and operationalize effective approaches to addressing conflict-related sexual violence underscore the need for a multisectoral approach that addresses the widespread impunity feeding this violence, promotes security sector reform and enhances prevention and protection mechanisms, while also

strengthening services for survivors. Along with the challenges of working in insecure contexts with fragile Governments, huge funding gaps for these programmes and weak inter-agency coordination structures are among the primary constraints noted by United Nations missions. It is also critical to develop programming modalities that bridge the divide between humanitarian and peacebuilding efforts and development programming to ensure continuity of funding.

113. Extensive and ongoing capacity development is required within the health, social welfare, justice and security sectors to respond effectively to conflict-related sexual violence. Significant resources must be invested at field and global levels to bolster pre- and in-service training, the development of context-specific resource packs and relevant in-country advocacy and briefing materials. Rosters of readily deployable experts must also be created to augment the exceedingly limited pool of available expertise. Peacekeepers and other critical security actors must be proactively engaged to operationalize protection strategies and introduce early warning systems.

114. Opportunities for encouraging longer-term planning, capacity-building and coordinated programming include pooling funds through multi-donor trust fund mechanisms, such as the funding modality of the International Security and Stabilization Support Strategy, which supports the comprehensive strategy to combat sexual violence in the Democratic Republic of the Congo. The 2010 report on women's participation in peacebuilding (A/65/354-S/2010/466) also calls for the allocation of at least 15 per cent of United Nations-managed funds for post-conflict peacebuilding projects to advance gender equality, empower women and address women's specific needs in peacebuilding contexts, which includes the prevention of and response to sexual violence. And United Nations Action intends to undertake a review of capacity-building initiatives with a view to augmenting training and supporting the creation of rosters for women's protection advisers.

IX. Recommendations

115. I call upon all parties to conflict to make specific and time-bound commitments to cease acts of sexual violence and bring perpetrators to justice. Such commitments should include clear orders through chains of command and in codes of conduct to prohibit sexual violence; timely investigation of alleged abuses in order to hold perpetrators accountable; and designation of a high-level interlocutor in the armed forces or armed group responsible for implementing these commitments.

116. I urge the Security Council:

(a) To increase pressure on perpetrators of conflict-related sexual violence, including the individuals and parties named in the present report, through the adoption of targeted and graduated measures by relevant sanctions committees, and to consider an appropriate mechanism or procedure to, inter alia, monitor the implementation of commitments by parties;

(b) To employ all means at its disposal to address conflict-related sexual violence, including referrals to the International Criminal Court, mandating international commissions of inquiry, explicitly condemning violations in

resolutions and presidential and public statements, and including this issue as a focus of its periodic field visits;

(c) To systematically reflect conflict-related sexual violence in authorizations and renewals of the mandates of peacekeeping and special political missions, including consistent reference to the implementation of monitoring, analysis and reporting arrangements and the establishment of dialogue with parties to conflict for commitments to prevent sexual violence and hold perpetrators accountable;

(d) To continue to call for and remain seized of the deployment of women's protection advisers to United Nations peacekeeping and special political missions to coordinate, inter alia, the implementation of the resolutions on conflict-related sexual violence. Where possible, women's protection advisers are being identified from within existing resources in United Nations peacekeeping and special political missions. Where such resources are limited, Member States are requested to ensure that funds are made available to establish these posts.

117. I encourage Member States, donors and regional organizations:

(a) To ensure medical, psychosocial, legal and other services for survivors, as well as reparations and redress. Adequate and timely resources are required for response programmes by national authorities, United Nations agencies and non-governmental organizations and civil society groups as part of comprehensive strategies to combat conflict-related sexual violence, noting that improved information on sexual violence is linked to provision of services for survivors;

(b) To draw upon the expertise of the United Nations Team of Experts established pursuant to Security Council resolution 1888 (2009) to strengthen the rule of law and the capacity of civilian and military justice systems to address sexual violence, as part of broader efforts to strengthen institutional safeguards against impunity. I urge donors to ensure sustainable funding for this valuable tool;

(c) To address conflict-related sexual violence in the context of security sector reform initiatives and arrangements, including training and capacity-building of national security actors; measures to ensure that those who have perpetrated, commanded or condoned sexual violence are excluded from all branches of government including armed forces, police, intelligence services and national guard; and civilian oversight and control mechanisms;

(d) To ensure that conflict-related sexual violence is addressed by United Nations and other mediators and envoys in preventive diplomacy efforts and mediation and peace processes, drawing on the United Nations Guidance for Mediators on Addressing Conflict-Related Sexual Violence in Ceasefire and Peace Agreements. Mediators should dialogue with parties to conflict on this issue and ensure that sexual violence is included in the definition of acts prohibited by ceasefires and in the framing of peace agreements, particularly in provisions for security arrangements, transitional justice and reparations;

(e) To ensure that regional and subregional organizations address conflict-related sexual violence in their advocacy, policies, programmes, mediation activities, peacekeeping and peacebuilding engagements. This may include the appointment of high-level focal points or envoys within their secretariats; development of operational guidelines; training for military and police personnel;

implementation of monitoring and reporting systems; and establishment of peer review mechanisms to assess national progress in addressing sexual violence. Women and gender experts should be included in all such initiatives;

(f) To adopt national and regional early warning systems in conflict-affected areas that are attuned to the risks and warning signs of impending, ongoing or escalating sexual violence, drawing as appropriate upon the United Nations Matrix of Early-Warning Indicators of Conflict-Related Sexual Violence;

(g) To integrate scenario-based training on conflict-related sexual violence into the predeployment training curriculum of troop- and police-contributing countries, drawing upon United Nations resources in this regard.

X. Annexed list

118. The annex to the present report, based on currently available information, contains a list of parties, *elements* of which are credibly suspected of committing or being responsible for patterns of rape and other forms of sexual violence in situations of armed conflict on the Security Council agenda. Given current reporting, the annex does not at this stage purport to be a comprehensive list of violators, but includes those on which credible information is available. As progress is made in putting the monitoring, analysis and reporting arrangements in place, it is anticipated that more detailed information on perpetrators of conflict-related sexual violence will be collected.

119. It should be noted that the annex does not list countries as such. The purpose of the list is to identify particular parties to conflict that are credibly suspected of committing or being responsible for patterns of rape and other forms of sexual violence. In that regard, the names of countries are mentioned only in order to indicate the locations or situations where offending parties are committing the violations in question.

Annex

List of parties that are credibly suspected of committing or being responsible for patterns of rape and other forms of sexual violence in situations of armed conflict on the Security Council agenda

Note: an asterisk (*) indicates that the party is listed in annex I to the report of the Secretary-General on children and armed conflict (A/65/820-S/2011/250) as committing rape and other forms of sexual violence against children.

Parties in the Central African Republic

Lord's Resistance Army (LRA)*

Parties in Côte d'Ivoire

1. Armed militia groups in Côte d'Ivoire, including:
   (a) Alliance patriotique de l'ethnie Wé (APWE)
   (b) Front pour la libération du Grand Ouest (FLGO)
   (c) Mouvement ivoirien de libération de l'Ouest de la Côte d'Ivoire (MILOCI)
   (d) Union patriotique de résistance du Grand Ouest (UPRGO)
2. Former Forces armées des forces nouvelles (FAFN)
3. Former Forces de défense et de sécurité (FDS)
4. Forces républicaines de Côte d'Ivoire (FRCI)

Parties in the Democratic Republic of the Congo

1. Alliance des patriotes pour un Congo libre et souverain (APCLS)

2. Armed Forces of the Democratic Republic of the Congo (FARDC), including integrated elements from various armed groups, including Congrès national pour la défense du peuple (CNDP), formerly led by Laurent Nkunda as well as elements currently led by Bosco Ntaganda*

3. Forces démocratiques de libération du Rwanda (FDLR)*

4. Forces de résistance patriotique en Ituri/Front populaire pour la Justice au Congo (FRPI/FPJC)*

5. Lord's Resistance Army (LRA)*

6. Mai-Mai groups in North and South Kivu, including:
   (a) Mai-Mai Cheka
   (b) Patriotes résistants congolais (PARECO)*

Parties in South Sudan

Lord's Resistance Army (LRA)*